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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,237	12/31/2001	Tameka Spence	KCC 4782 (K.C. NO. 17,029)	7293
321	7590	09/08/2005	EXAMINER	
SENNIGER POWERS LEAVITT AND ROEDEL ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			HALPERN, MARK	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,237	SPENCE ET AL.	
	Examiner	Art Unit	
	Mark Halpern	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 February 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1, 3-7, 9-20 and 26-41 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 26-41 is/are allowed.
 6) Claim(s) 1, 3, 4, 7, 9-14, 17-20 is/are rejected.
 7) Claim(s) 5,6,15 and 16 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>112103</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1) The Petition Requesting Withdrawal of the Holding of Abandonment of Patent Application has been granted on 5/23/2005. The Petition was granted by the Director under a separate cover.
- 2) Acknowledgement is made of Amendment received 2/17/2005. Claims 23-25, are cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 3) Claims 1, 12, are rejected under 35 U.S.C. 102(e) as being anticipated by Radwanski (6,190,735). Radwanski discloses a process of making a paper product where cellulosic stock slurry 14 from headbox 18 is poured onto a moving wire forming a wet web (col. 7, line 35 to col. 8, line 63, and Figure 1). The web is then dried by through air drying (col. 10, lines 50-55). Sodium bicarbonate is added to the slurry prior to the release of the stock onto the moving wire to adjust water hardness (col. 12, lines 40-59).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 4) Claims 3-4, 11, 13-14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Radwanski in view of Taylor (2,935,437).

Claims 3-4, 13-14: Radwanski is applied as above for claim 1, 12, Radwanski discloses pH control (col. 12, lines 48-50), however the aqueous suspension pH after the addition of sodium bicarbonate is not in the range claimed. Taylor discloses a method of making a paper web, wherein sodium bicarbonate is added to the furnish for pH control prior to depositing of the stock onto the forming wire. The pH range is from 4 to about 9.2 (Taylor, col. 2, lines 20-55). It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Radwanski and Taylor, because such a combination would provide for improved pH control of the stock in the design of Radwanski.

- Claim 11: the paper stock may be made of broke, cuttings, scraps of paper (Taylor, col. 2, lines 17-26) and rag fiber (col. 7, line 65).
- 5) Claims 7, 9-10, 17-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Radwanski in view of Taylor, and further in view of Sisson (3,303,576).

Claims 7, 9-10, 17-19: Radwanski in view of Taylor disclose web through air drying, Radwanski in view of Taylor, fail to disclose the temperature of the through air

Art Unit: 1731

drying of the web. Sisson discloses drying of paper web by passing air through said web (Sisson, col. 3, line 4 to col. 4, line 40, and Figure 1), where the temperature of heated air is as high as 700 °F, or 371 °C (Sisson, col. 2, lines 1-5). It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Radwanski, Taylor and Sisson, because such a combination would provide for provide for heating in the range claimed and thus improve drying of the web of Radwanski as disclosed by Sisson (col. 1, lines 54-72).

Claim 20: the paper stock may be made of broke, cuttings, scraps of paper (col. 2, lines 17-26) and rag fiber (col. 7, line 65).

Allowable Subject Matter

- 6) Claims 26-41, are allowed.
- 7) Claims 5-6, 15-16, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for indicating allowable subject matter is that the cited prior art does not show a process of making a cellulosic paper product, wherein a suspension containing sodium bicarbonate is formed into a wet web, and then said wet web being through-dried by heated air, wherein the amount of sodium bicarbonate introduced into said suspension is in the amount of range claimed (claims 5-6, 15-16, 26, 34).

Art Unit: 1731

Response to Amendment

- 8) Claims 1, 3-4, 7, 9-14, 17-20, allowability is being withdrawn in view of further search of art in prior art.

Conclusion

- 9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mark Halpern
Primary Examiner
Art Unit 1731